

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan McLeod, et al. Art Unit: 3663  
Serial No.: 10/594,357 Examiner: TBD  
371(c) Date: September 26, 2007  
Int'l Filing Date: March 24, 2005  
Title: Prosthetic Spinal Disc

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**Certificate of Transmission:** I hereby certify that this paper or fee is being transmitted to the USPTO via EFS-Web on August 18, 2008.

Signature: /jaybell/  
Name: Jay B. Bell

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

In response to a Notice of Missing Requirements mailed on June 17, 2008, having a two-month period for response that expired August 17, 2008, the applicant respectfully submits the following:

- (A) A signed declaration by the inventors as required by the Notice of Missing Requirements; and
- (B) A Preliminary Amendment.

The Preliminary Amendment submitted herewith cancels a total of five claims, adds a total of two claims, and amends the remaining claims to remove any multiple dependencies. The pending claim set now includes three independent claims and twenty total claims, and therefore no additional claims fee is deemed necessary. Furthermore, upon filing the Applicants authorized payment for a late-filed declaration. Therefore, no fees are deemed necessary at this time. However, in the event that there are any fees to be charged or payments to be credited, the Applicants hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,  
NUVASIVE, INC.

By: /jaybell/  
Jay B. Bell, Esq.  
Registration No. 58,551

7475 Lusk Boulevard  
San Diego, CA 92121  
Tel.: (858) 909-1853

August 18, 2008